

Vanessa R. Waldref
United States Attorney
Eastern District of Washington
Brian M. Donovan
John T. Drake
Assistant United States Attorneys
Post Office Box 1494
Spokane, WA 99210-1494
Telephone: (509) 353-2767

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

JEREMY OLSEN.

Plaintiff,

V.

XAVIER BECERRA, in his official capacity as Secretary of the United States Department of Health and Human Services.

Defendant.

No. 2:21-CV-00326-TOR

DECLARATION OF JOHN T. DRAKE

I, John T. Drake, hereby declare as follows:

1. I am over the age of 18 and competent to testify herein. I have personal knowledge of the facts set forth below.

? I am counsel of record for Defendant in the above-captioned case

3. I make this declaration in support of Defendant's Cross-Motion for
Summary Judgment

Summary Judgment.

4. On August 11, 2022, this Court (Judge Mendoza) granted Defendant's motion to issue a subpoena duces tecum to the supplier of Plaintiff's continuous

glucose monitor (“CGM”) equipment, MiniMed Distribution Corp. (“MiniMed”). ECF No. 62. Pursuant to that order, Defendant served its subpoena on MiniMed on August 12, 2022.

5. On August 19, 2022, MiniMed produced documents responsive to the subpoena. Among those documents was a letter addressed to Mr. Olsen indicating that he had been approved for a “financial assistance program.” A true and correct copy of that letter is attached hereto as **Exhibit A**.

6. While this letter does not specify the nature of the financial assistance for which Mr. Olsen was approved, MiniMed’s parent company, Medtronic, Inc., has a program known as “Medtronic Assurance” that provides financial assistance for the purchase of “ongoing supplies” for customers who are “significantly impacted with overall healthcare costs.” A description of the Medtronic Assurance program can be found on Medtronic’s website: <https://www.medtronicdiabetes.com/assurance>.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the above statements are true and correct.

DATED this 3rd day of October, 2022, at Spokane, Washington.

s/John T. Drake

John T. Drake

CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2022, I caused to be delivered via the method listed below the document to which this Certificate of Service is attached (plus any exhibits and/or attachments) to the following:

| NAME & ADDRESS | Method of Delivery |
|---|--|
| Roger Townsend BRESKIN JOHNSON TOWNSEND 1000 Second Ave., Suite 3670 Seattle, WA 98104 | <input checked="" type="checkbox"/> CM/ECF System <input type="checkbox"/> Electronic Mail <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Other: _____ |
| James Pistorino PARRISH LAW OFFICES 788 Washington Road Pittsburgh, PA 15228 | <input checked="" type="checkbox"/> CM/ECF System <input type="checkbox"/> Electronic Mail <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Other: _____ |

s/John T. Drake
John T. Drake